



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

HM42/1001

CATHRYN CAMPBELL
CAMPBELL & FLORES LLP
4370 LA JOLLA VILLAGE DRIVE
SUITE 700
SAN DIEGO CA 92122

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/151,621	09/11/98	050	PAK, J	1616 10/01/99
First Named Applicant	KRALL, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION COMPOSITION FOR CREATING VASCULAR OCCLUSIONS

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 P52.2-7161	514-527.000	C64	UTILITY	YES	\$605.00	01/03/00

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/151,621	09/11/98	KRALL	P52.2-7161

HM42/1001

CATHRYN CAMPBELL
CAMPBELL & FLORES LLP
4370 LA JOLLA VILLAGE DRIVE
SUITE 700
SAN DIEGO CA 92122

EXAMINER

PAK, J

ART UNIT

1616

PAPER NUMBER

6

DATE MAILED: 10/01/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/151,621	09/11/98	KRALL	R P52.2-7161

CATHRYN CAMPBELL
CAMPBELL & FLORES LLP
4370 LA JOLLA VILLAGE DRIVE
SUITE 700
SAN DIEGO CA 92122

HM42/1001

EXAMINER

ART UNIT	PAPER NUMBER
1616	6/A

DATE MAILED:

10/01/99

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

NOTICE OF ALLOWABILITY

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- ☐ This communication is responsive to _____
- ☒ The allowed claim(s) is/are 1-3 and 5-6 [renumbered as 1-5]
- ☐ The drawings filed on _____ are acceptable.
- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- ☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- ☐ Applicant MUST submit NEW FORMAL DRAWINGS
- ☐ because the originally filed drawings were declared by applicant to be informal.
- ☐ including changes required by the Notice of Draftperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____
- ☐ including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.
- ☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftperson.

- ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Notice of Draftperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Interview Summary, PTO-413
- ☒ Examiner's Amendment/Comment
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☒ Examiner's Statement of Reasons for Allowance

References listed on the PTO-892 are cited to show the state of the art.

[Signature]
JOHN PAK
PRIMARY EXAMINER
GROUP 1000

Art Unit: 1616

Claims 1-6 are pending in this application.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. James Wong on 10/1/99.

Delete claim 4.

Claims 1 and 6, line 1 (each instance): after "creating" insert --- therapeutic --- .

Claim 1, last line: after "metal" insert --- powder --- .

Claim 1, last line: delete "FMS" and insert therefor the following

A1 a sterilized polymer of 2-hexylcyanoacrylate in weak aqueous bicarbonate solution

Claims 2 and 3, line 1 (each instance): delete "includes" and insert --- comprises --- .

Claim 3, lines 1 and 2 (each instance): after "percent" insert --- by weight --- .

Claim 3, line 2: delete "FMS" and insert therefor the following

A2 said sterilized polymer of 2-hexylcyanoacrylate in weak aqueous bicarbonate solution

Claim 6, line 1: after "needing" insert --- therapeutic vascular --- .

Claim 6, lines 4 and 7 (each instance): after "metal" insert --- powder --- .

Claim 6, line 5: delete "FMS" and insert therefor the following

A3 a sterilized polymer of 2-hexylcyanoacrylate in weak aqueous bicarbonate solution

9

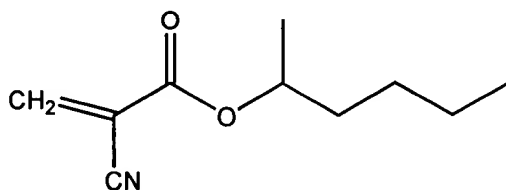
Art Unit: 1616

The following is an examiner's statement of reasons for allowance: The claimed invention is directed to a composition and method for creating therapeutic vascular occlusions in an animal with a mixture that contains (i) 2-hexyl cyanoacrylate¹, hydroquinone, p-methoxyphenol and phosphoric acid, and (ii) gold metal powder, ethyl myristate and a sterilized polymer of 2-hexyl cyanoacrylate in weak aqueous bicarbonate solution. The prior art fails to provide the requisite disclosure, suggestion, or motivation to utilize 2-hexyl cyanoacrylate in combination with all of the other specific mixture ingredients to render such treatment. Therefore, the claimed invention **as a whole** is deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

A facsimile center has been established in Technology Center 1600. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier numbers for accessing the facsimile machines are (703) 308-4556 or (703) 305-3592.

¹ For clarity of the record, the following is the chem. structure of 2-hexyl cyanoacrylate:



Art Unit: 1616

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Pak whose telephone number is (703) 308-4538. The Examiner can normally be reached on Monday through Thursday from 8:00 AM to 5:30 PM. The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. José Dees, can be reached on (703) 308-4628.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.